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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   PATRICK BURKE,   No. 2:23-cv-00768 KJM KJN P

12   Plaintiff,

13   v.   ORDER

14   PATRICK COVELLO, et al.,

15   Defendants.

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17   Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief

18   under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided

19   by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20   On November 2, 2023, the magistrate judge filed findings and recommendations, which

21   were served on plaintiff and which contained notice to plaintiff that any objections to the findings

22   and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to

23   the findings and recommendations.

24   The court presumes that any findings of fact are correct. *See Orand v. United States*,

25   602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed

26   de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law

27   by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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. . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

      Accordingly, IT IS HEREBY ORDERED that:

      1. The findings and recommendations filed November 02, 2023, are adopted in full; and

      2. This action is dismissed without prejudice. *See* Local Rule 110; Fed. R. Civ. P. 41(b).

DATED: January 11, 2024.

CHIEF UNITED STATES DISTRICT JUDGE

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